

1 **WAGANAKISING ODAWAK STATUTE 2014-__**
2 **TRIBAL GOVERNMENT HUMAN RESOURCES DEPARTMENT**
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5 **SECTION I. PURPOSE**
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7 The purpose of this Statute is hereby enacted to establish the Human Resources
8 Department within the Little Traverse Bay Bands of Odawa Indians government that is
9 responsible to provide equal and fair employment practices directly to the Executive, Legislative,
10 Election Board and Judicial Branches of government personnel as well as the Office of the
11 Prosecutor.
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14 **SECTION II. DEFINITIONS**
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16 **A.** “Cultural” means cultural aspects of the Odawa history, spirituality, traditions, arts and
17 crafts, values and mannerisms.
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19 **B.** “Department” means Human Resources Department.
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21 **C.** “Director” means the Human Resources Department Director.
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23 **D.** “LTBB” or Tribe” means the Little Traverse Bay Bands of Odawa Indians.
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26 **SECTION III. CREATION OF THE DEPARTMENT**
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28 **A.** Pursuant to Article VII (D) (22) of the Tribal Constitution the Tribal Council shall have
29 the power to: “Approve the creation or dissolution of Executive divisions or departments to
30 promote and protect the peace, health, safety, education, and general welfare, including but not
31 limited to cultural and natural resources, of the Little Traverse Bay Bands of Odawa Indians and
32 its members”.
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34 **B.** The Tribal Council hereby approves the creation of the Human Resources Department

1 within the Executive Branch of government.

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3 **SECTION IV. Appropriations Authorized**
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5 The Executive shall present Tribal Council with a budget necessary to implement this
6 statute.

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9 **SECTION V. STAFFING**
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11 **A.** If appropriate, the Department shall begin operations with currently employed LTBB
12 staff as designated by the Executive.

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14 **B.** Indian Preference in Employment shall apply.
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17 **SECTION VI. AUTHORITIES AND DUTIES**
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19 **A.** The Department shall have the following duties:
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21 1. Follow law, regulations, and Tribal Council approved policies.
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23 2. Assist governmental Branches in the hiring, review and disciplinary actions of
24 employees.
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26 3. Survey and assess employee's skills and needs to coordinate government-wide
27 trainings. Assist employees in developing a career plan and identify training
28 opportunities.
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30 4. Promote employment opportunities for Tribal Citizens within LTBB's
31 reservation.
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33 **a.** Survey Tribal Citizens to determine education, experience and skills to
34 outreach and promote employment opportunities.

b. Develop and establish a data base of Tribal Citizen candidate applications and resumes for future employment opportunities.

c. Create and establish employment partnerships with local businesses and organizations.

d. Create a mentoring program for secession planning.

5. Develop and maintain an Administrative Procedural Manual that defines employer-employee relationships, setting employer expectations to limit employer liability and creates consistent decision making in the workplace for the tribal government.

6. Coordinate and provide Cultural Trainings for employees.

SECTION VII. ADMINISTRATIVE PROCEDURES REQUIRED

The Executive shall submit such Administrative Procedures to the Tribal Council for approval within one-hundred twenty (120) days in accordance with the Administrative Procedures Act 2008-001, or as amended and shall include processes for implementing all Fair Employment Statutes, Resolutions, Regulations, Policies and amendments thereto in order to clarify the implementation of this statute by defining how the department will implement the daily activities such as procedures and forms including but not limited to the following:

A. Facilitate a process and supportive services for addressing the needs of the employees and management that develops positive working relationships.

B. Employment Records Management System.

C. Provisions of Employment that includes but not limited to:

1. Job Descriptions;

2. Recruiting;

3. Classification and Compensation System for Hourly and Salary;

4. Applicant Register;

5. Selection Process/Conducting Interviews /Making Job Offers;
6. Employment of Minors;
7. Grant Funded Employees;
8. Rehired and Reinstated Employees;
9. Employment of Immediate Family;
10. Employee Processing including References and Criminal Background Checks;
11. Probationary Status;
12. Provisions for Disabilities;
13. Moving Expense Reimbursements;
14. Assignments/Transfers/Promotions/Demotions;
15. General Work Schedules and Schedule Changes;
16. Comprehensive Employment and Training Program to include Training Program for Temporary Workers;
17. Classification of Class-1 General Delivery/Pick up, Class-2 People Transport, Class-3 Buses and Semi-Trucks drivers;
18. Employment Medical Evaluations including alcohol and drug testing;
19. Performance Standards/Evaluations;
20. Non-Compete Employment;
21. Desk Audit. IE: for Job Reclassification;
22. Employee Privacy Rights in the workplace;
23. Investigating Misconduct;
24. Corrective action improvement plan;
25. Discipline;
26. Employees with contracts.
27. Wage and Salary Plan and Benefits including but not limited to:
28. Benefits Assistance (all fringe related items);
29. Tuition Reimbursements;
30. Supplemental Pay IE: PTO, Holiday, Traditional Time Off, Bereavement, Office Closures, Military Leave, Educational Leave, Fitness Leave and Professional Development Leave, Jury duty Leave, Family and Medical Leave, Maternity/Paternity Leave;
31. Retention and Mentoring of Tribal Citizens;
32. Loss of License/Certification or Qualifications;
33. Grievances guideline, including the prohibition of hiring to fill a position that is

_____being aggrieved or adjudicated.

34. Continuing Health Insurance, (COBRA)

35. Unemployment Claims.

35:36. Workman's Compensation

36:37. Employee Settlement guideline;

37:38. Application of Foreign Employment Law.

38:39. Termination/Exit Interview;

SECTION VIII. QUARTERLY REPORTS

The Department shall provide a written quarterly report to the Executive that shall contain the number of employees, employee turn-over rate, number of Tribal Citizens, number of other Natives and non-Natives employed; number of Tribal Citizens, Other Natives and non-Natives employed in management and any other relevant information. The report shall be forwarded to Tribal Council in an Executive Oversight Monthly Report.

SECTION IX. SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION X. EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

DRAFT